

ORDINANCE NO. 2003 - 024

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT 2002-0013 SCA (WALGREENS PARKING III); MODIFYING PAGE 94 OF THE FLUA BY CHANGING 0.72 ACRES OF LAND GENERALLY LOCATED APPROXIMATELY 200 FEET NORTH OF WOOLBRIGHT ROAD ON THE WEST SIDE OF MILITARY TRAIL, FROM LOW RESIDENTIAL, 3 UNITS PER ACRE (LR-3) TO COMMERCIAL LOW, WITH UNDERLYING 3 RESIDENTIAL UNITS PER ACRE (CL/3) WITH CROSS-HATCHING, SUBJECT TO A CONDITION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on August 9, 2002, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

1 WHEREAS, the Palm Beach County Board of County Commissioners, as
2 the governing body of Palm Beach County, conducted a public hearing
3 pursuant to Chapter 163, Part II, Florida Statutes, on June 24, 2003,
4 to review the recommendations of the Local Planning Agency and to
5 consider adoption of the amendments; and

6 WHEREAS, the Palm Beach County Board of County Commissioners has
7 determined that the amendment complies with all requirements of the
8 Local Government Comprehensive Planning and Land Development
9 Regulation Act.

10 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
11 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

12 Part I. Amendments to the Future Land Use Atlas of the Land Use
13 Element of the 1989 Comprehensive Plan

14 The following amendment to the Future Land Use Element's Future
15 Land Use Atlas is hereby adopted and is attached to this Ordinance:

16 A. Future Land Use Atlas page 94 is amended as follows:

17 Application No.: 2002-0013 SCA (Walgreens Parking III)

18 Amendment: From Low Residential, 3 units per acre (LR-
19 3) to Commercial Low, with underlying 3
20 residential units per acre (CL/3) with
21 cross-hatching;

22 General Location: Approximately 200 feet north of Woolbright
23 Road on the west side of Military Trail;

24 Size: Approximately 0.72 acres;

25 Condition: There shall be no commercial intensity
26 and/or commercial square footage associated
27 with the site.

28 Part II. Repeal of Laws in Conflict

29 All local laws and ordinances applying to the unincorporated area
30 of Palm Beach County in conflict with any provision of this ordinance
31 are hereby repealed to the extent of such conflict.

32 Part III. Severability

33 If any section, paragraph, sentence, clause, phrase, or word of
34 this Ordinance is for any reason held by the Court to be
35 unconstitutional, inoperative or void, such holding shall not affect
36 the remainder of this Ordinance.

1 Part IV. Inclusion in the 1989 Comprehensive Plan

2 The provisions of this Ordinance shall become and be made a part
3 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
4 Ordinance may be renumbered or relettered to accomplish such, and the
5 word "ordinance" may be changed to "section," "article," or any other
6 appropriate word.

7 Part V. Effective Date

8 This amendment shall not become effective until 31 days after
9 adoption. If challenged within 30 days after adoption, this amendment
10 shall not become effective until the state land planning agency or the
11 Administration Commission, respectively, issues a final order
12 determining the amendment is in compliance.

13 APPROVED AND ADOPTED by the Board of County Commissioners of
14 Palm Beach County, on the 26 day of June, 2003.

15
16 ATTEST:

17 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,

BY ITS BOARD OF COUNTY COMMISSIONERS

18
19
20 By: Linda C. Wilken

21 Deputy Clerk

By: Karen T. Marcus

Chair

22
23 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

24
25
26 COUNTY ATTORNEY

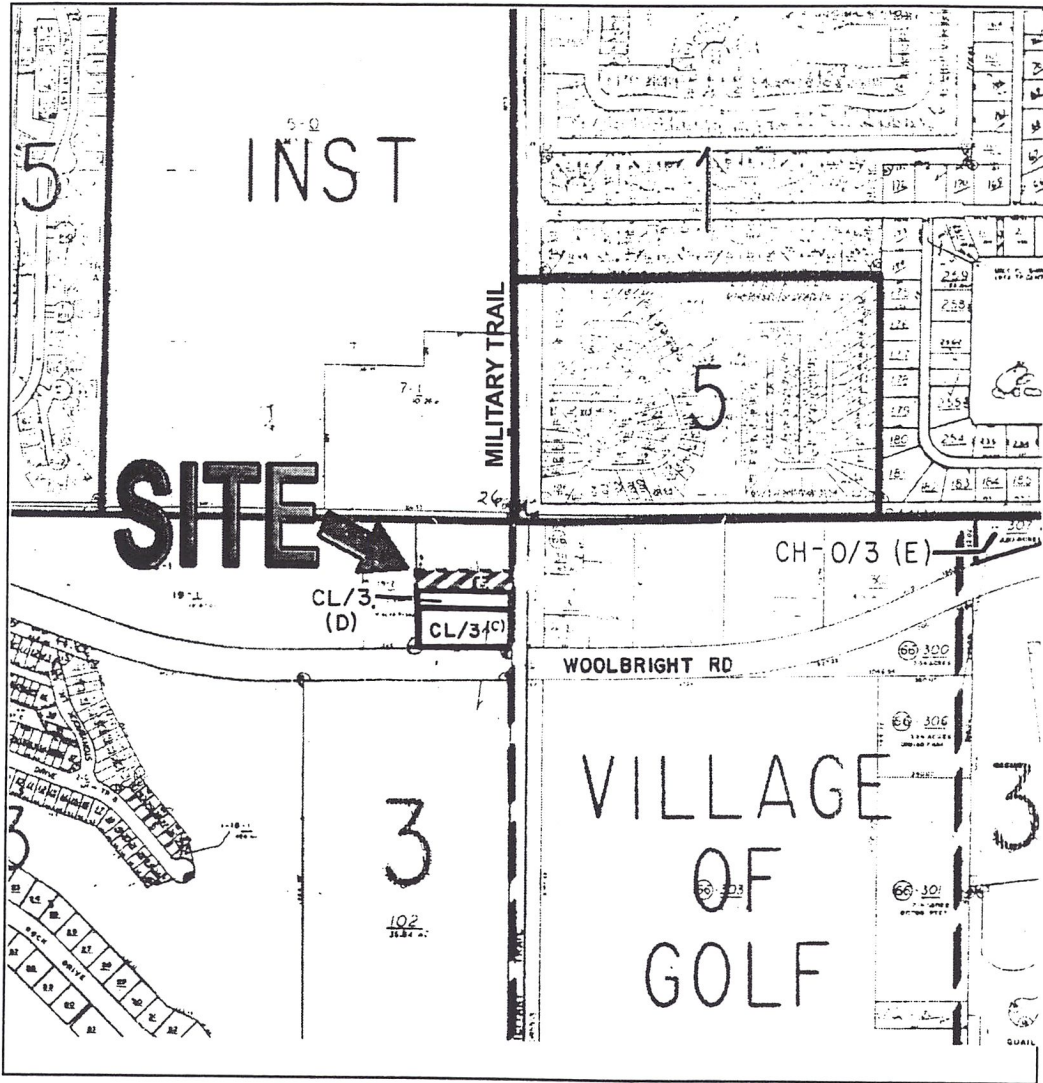
27
28 Filed with the Department of State on the 2 day
29 of July, 2003.

EXHIBIT 1

Amendment No.: 2002-0013 SCA (Walgreens Parking III)

FLUA Page No.: 94

- Amendment:** From Low Residential, 3 units per acre (LR/3) to Commercial Low with underlying 3 units per acre (CL/3) with cross-hatching.
- Location:** Approximately 200' north of Woolbright Road on the west side of Military Trail.
- Size:** Approximately 0.72 acre.
- Property No.:** 00-42-45-35-00-000-1011 (a portion of a 2.48 acre tract)
- Legal Description:** See attached
- Conditions:** There shall be no commercial intensity and/or commercial square footage associated with this site.



LEGAL DESCRIPTION:

APPLICATION SITE LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE ABOVE DESCRIBED PARENT TRACT; THENCE SOUTH 00°40'15" EAST, ALONG WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE OF 217.41 FEET TO **POINT OF BEGINNING** THENCE SOUTH 89°39'46" WEST, DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 357.50 THENCE SOUTH 00°40'15"EAST, A DISTANCE OF 87.43 THENCE NORTH 88°53'15" EAST, A DISTANCE OF 219.78 FEET; THENCE SOUTH 01°06'45" EAST, A DISTANCE OF 15.00 FEET; NORTH 88°53'15" EAST, A DISTANCE OF 49.00 FEET; THENCE NORTH 01°06'45" WEST, A DISTANCE OF 15.00 FEET ; THENCE NORTH 88°53'15" EAST, A DISTANCE OF 88.72 FEET TO AN INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL; NORTH 00°40'15" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 82.59 TO THE **POINT OF BEGINNING**

CONTAINING 31,126 SQUARE FEET OR 0.72 ACRES, MORE OR LESS

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on June 26, 2003
DATED at West Palm Beach, FL on 7/24/03
DOROTHY H. WILKEN, Clerk
By: W. Lane Brown D.C.